

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID JOHN LONGWAY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

13-cv-556-jdp

On August 8, 2013, plaintiff David John Longway filed a motion under 42 U.S.C. § 405(g), seeking review of the defendant commissioner's final decision that he was not disabled. On September 29, 2014, following full briefing by the parties, the court entered judgment in favor of the commissioner. Plaintiff appealed. While the appeal was pending, counsel filed a joint motion under Fed. R. Civ. P. 62.1(1)(3), seeking an indication from this court that it would be inclined to grant relief from the September 29, 2014 judgment should the court of appeals remand the case for that purpose. On July 23, 2015, this court entered such an order. On August 4, 2015, the court of appeals remanded the case under Fed. R. App. P. 12.1 and Cir. R. 57 for a ruling on counsel's joint motion for judgment reversing the commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remanding the case to the commissioner. The motion will be granted.

On remand, an administrative law judge will further consider all of the medical opinions of record, reassess Plaintiff's residual functional capacity and issue a new decision.

ORDER

IT IS ORDERED that the decision of the Acting Commissioner of Social Security in this case is REVERSED and the case is REMANDED to the commissioner.

Entered: August 6, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge